

ATTACHMENT 1

SMITHERS

VS.

FRONTIER AIRLINES INC

Deposition

SHAWN P. CHRISTENSEN

04/17/2019

AB Court Reporting & Video

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

AB Court Reporting & Video

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civ. Action No. 1:18cv676 (TSE/IDD)

30(b)(6) DEPOSITION OF FRONTIER AIRLINES, INC., as
given by SHAWN P. CHRISTENSEN
April 17, 2019

ANNE SMITHERS, et al.,

Plaintiffs,

vs.

FRONTIER AIRLINES INC.,

Defendant.

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1 APPEARANCES:

2 STONE & WOODROW LLP
3 By Thatcher Stone, Esq.
4 William T. Woodrow, III, Esq. (via
5 videoconference)
6 Suite 201, Louis & Clark Plaza
7 250 West Main Street
8 Charlottesville, Virginia 22902
9 Appearing on behalf of Plaintiffs.

10 CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11 By Elaine Charlson Bredehoft, Esq.
12 11260 Roger Bacon Drive, Suite 201
13 Reston, Virginia 20190
14 Appearing telephonically on behalf of
15 Defendant.

16 CONDON & FORSYTH LLP
17 By Bartholomew J. Banino, Esq.
18 7 Times Square
19 New York, New York 10036
20 Appearing on behalf of Defendant.

21 Also present: Anne Smithers, via
22 videoconference
23
24
25

Pursuant to Notice and the Federal Rules of Civil Procedure, the 30(b)(6) deposition of FRONTIER AIRLINES, INC., as given by SHAWN P. CHRISTENSEN, called by Plaintiffs, was taken on Wednesday, April 17, 2019, commencing at 9:34 a.m., at 1700 Lincoln Street, Suite 4300, Denver, Colorado, before Vanessa D. Campbell, Registered Professional Reporter and Notary Public within and for the State of Colorado.

I N D E X

30(b)(6) DEPOSITION OF FRONTIER AIRLINES, INC., as given by SHAWN P. CHRISTENSEN

EXAMINATION BY:	PAGE
Mr. Stone	5, 282
Mr. Woodrow	--
Ms. Bredehoft	--
Mr. Banino	280, 285

EXHIBITS	INITIAL REFERENCE
Exhibit 1	Plaintiff's Revised Notice of 30(B)(6) Deposition to Defendant 5
Exhibit 2	Frontier Station Administra- 141 tion Manual, 50.50 Employees Under the Influence
Exhibit 3	Frontier Contract of 198 Carriage, with attachments

1 trained on that, I'd be more than happy to answer.

2 Q (By Mr. Stone) Thank you. What did you
3 mean when you said HIMS?

4 A HIMS is -- you know, there are different
5 pilots -- there's an FAA function so if a pilot has
6 depression, anxiety, alcohol, substance abuse, we
7 actually meet up with them. There's an entire FAA
8 program associated with that. And so there's
9 training associated with that that the rest of the
10 pilot group does not get and -- and a variety of
11 other things, so that's why I was asking
12 specifically if there's --

13 Q We'll get there.

14 A -- anything --

15 Q We'll get there.

16 A Okay.

17 Q If there's something specific, we'll get
18 there.

19 A Okay.

20 Q Any other training in the past two years
21 that you undertook?

22 MR. BANINO: Just -- just to confirm,
23 we're still objecting to this not being part of the
24 30(b)(6).

25 MR. STONE: We understand, but that's

1 not -- he can respond in his individual capacity.

2 In all the 30(b)(6) cases and Weinstein,
3 Miller, all tell you that's permissible, so your
4 objection, Bart, is ill-placed in my view. So --

5 MR. BANINO: Thatcher, you --

6 Q (By Mr. Stone) Please go ahead and
7 answer.

8 MR. STONE: We don't agree, Bart. We
9 don't agree.

10 MR. BANINO: Thatcher, if you'd let me
11 finish what I'm saying rather than interrupting with
12 a speech.

13 I was simply going to say that we object
14 that this is outside the 30(b)(6), but this is -- he
15 is answering in his individual capacity.

16 MR. STONE: Yeah, I made that clear.

17 MR. BANINO: Okay. But -- and I'm making
18 clear, as well, but you keep asking him questions
19 along this -- along this -- these lines.

20 MR. STONE: Well, it's clear what he's
21 doing.

22 MR. BANINO: But it's not clear, which is
23 why I'm stating it.

24 MR. STONE: That's fine, Bart. Keep
25 editing.

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1 MR. BANINO: Thatcher, you have --

2 MR. STONE: Please --

3 MR. BANINO: You have --

4 MR. STONE: -- calm down, Bart, and let me
5 continue. We don't have much time to get this done
6 and we have to get into the nine areas noticed.

7 Your comment is recognized, and I agree,
8 we are asking him individual questions.

9 MR. BANINO: Fine.

10 Q (By Mr. Stone) So was there any further
11 training, Mr. Christensen?

12 A I'm sure there is. Again, if you --

13 Q But you don't remember?

14 MR. BANINO: Thatcher, please -- please
15 let him finish his answers.

16 MR. STONE: Stop editing my commentary.

17 MR. BANINO: I'm not editing your --

18 MR. STONE: You are, Bart.

19 MR. BANINO: -- commentary. I'm asking
20 you to let the witness finish his answers before you
21 jump in. That's all.

22 A So I'll be specific to what I see here.
23 You're asking about pilot rules for rest, which is
24 14 CFR. There's also a 14 CFR on alcohol
25 consumption.

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1 MR. STONE: Yeah. Well, let me finish and
2 you'll see where we're going.

3 MR. BANINO: A corporation doesn't have a
4 state of mind, so when --

5 MR. STONE: Well, it does.

6 MR. BANINO: -- you're asking these --
7 okay. But when you're asking these questions you're
8 asking them to him in his personal capacity. I just
9 want to be clear.

10 MR. STONE: I'm not. I disagree and you
11 can make that objection with the judge post hoc.

12 Q (By Mr. Stone) Sorry, Mr. Christensen.

13 So when you saw the e-mails, all of them,
14 after the fact, did it run through your mind that
15 maybe the pilots were confused, copilot, pilot, in
16 this incident?

17 A I'm going to precursor this with months
18 later.

19 Q Yeah, right.

20 A Yeah. Once the -- everything -- once I
21 started getting the information, then, yes, there
22 could be the potential that it could have been the
23 pilot or the copilot.

24 Going back to, I think what we were
25 talking about previously, as the duty manager on

1 call that day, it was the captain, not the first
2 officer.

3 Q Understood. Because that's --

4 A I want to make sure that I clarify between
5 the two, that as representing for this it -- there's
6 a potential that it could have been one or the
7 other. The day of there was no ifs, ands or buts,
8 it was the captain that had the allegation and
9 that's how we focused our --

10 Q Understood.

11 A Attention on the day of.

12 Q Understood.

13 In preparation for your appearance today,
14 did you talk with Olivia Knox about this possible
15 confusion?

16 A I did not.

17 Q Okay. Did you talk with the GSC about
18 this possible confusion?

19 A I did not.

20 Q Okay. Did you talk with any of the
21 individuals -- pardon me.

22 Did you talk with any of the individuals
23 who were involved in -- in asserting or identifying
24 the reasonable suspicion -- right, the first step
25 you take?